

1 YI (EVA) YANG (BAR NO. 306215)
2 **NORTON ROSE FULBRIGHT US LLP**
3 555 South Flower Street
4 Forty-First Floor
5 Los Angeles, California 90071
6 Telephone: (213) 892-9200
7 Facsimile: (213) 892-9494
8 eva.yang@nortonrosefulbright.com

9 Attorney For Non-Party
10 PAYPAL, INC.

11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 OAKLAND DIVISION
15

16 EPIC GAMES, INC.,

17 Plaintiff, Counter-defendant,

18 v.

19 APPLE INC.,

20 Defendant, Counterclaimant.
21
22
23
24
25
26
27
28

Case No. 4:20-cv-05640-YGR-TSH

**DECLARATION OF BRIAN SIMS IN
SUPPORT OF APPLE INC.'S
ADMINISTRATIVE MOTION TO
SEAL RE EXHIBIT DX-3122**

DECLARATION OF BRIAN SIMS

I, Brian Sims, declare as follows:

1. I am the Senior Director and Associate General Counsel of PayPal, Inc. I am over 18 years of age and am competent to testify to the matters set forth herein. I am familiar with PayPal's policies and procedures regarding its protection and treatment of highly sensitive, confidential, and proprietary business information. As such, I have personal knowledge of the matters set forth herein, and, if called upon, would testify competently and truthfully to the matters set forth herein.

2. I make this declaration in support of Apple Inc.'s Administrative Motion to Seal ("Motion"), and specifically, as to information reflecting the aggregated annual amounts of fees paid by Apple to PayPal ("Fees Information") in Exhibit DX-3122.

3. PayPal is informed and believes that the Fees Information contains highly sensitive pricing information showing the annual amount of fees paid by Apple to PayPal for services related to payment processing on a monthly basis from 2011 through the third quarter of 2020. Such information is kept strictly confidential by PayPal, as it is result of confidential negotiations between Apple and PayPal. As such, the Fees Information directly reflects PayPal's competitive business decisions and strategy regarding its pricing as to a specific business partner.

4. PayPal expends significant efforts to keep the Fees Information confidential. If the Fees Information were to be made public, PayPal's competitors and/or other parties would gain first-hand knowledge to confidential pricing information, which would cause PayPal competitive harm. Competitors can use this information to gain an unfair competitive advantage, or otherwise try to put themselves in an advantageous position. Disclosure of such information can also adversely affect PayPal in future negotiations with potential business partners.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 15th day of May, 2021, at Baltimore County, Maryland.

Brian Sims

DECLARATION OF BRIAN SIMS

I, Brian Sims, declare as follows:

1. I am the Senior Director and Associate General Counsel of PayPal, Inc. I am over 18 years of age and am competent to testify to the matters set forth herein. I am familiar with PayPal's policies and procedures regarding its protection and treatment of highly sensitive, confidential, and proprietary business information. As such, I have personal knowledge of the matters set forth herein, and, if called upon, would testify competently and truthfully to the matters set forth herein.

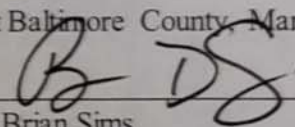
2. I make this declaration in support of Apple Inc.'s Administrative Motion to Seal ("Motion"), and specifically, as to information reflecting the aggregated annual amounts of fees paid by Apple to PayPal ("Fees Information") in Exhibit DX-3122.

3. PayPal is informed and believes that the Fees Information contains highly sensitive pricing information showing the annual amount of fees paid by Apple to PayPal for services related to payment processing on a monthly basis from 2011 through the third quarter of 2020. Such information is kept strictly confidential by PayPal, as it is result of confidential negotiations between Apple and PayPal. As such, the Fees Information directly reflects PayPal's competitive business decisions and strategy regarding its pricing as to a specific business partner.

4. PayPal expends significant efforts to keep the Fees Information confidential. If the Fees Information were to be made public, PayPal's competitors and/or other parties would gain first-hand knowledge to confidential pricing information, which would cause PayPal competitive harm. Competitors can use this information to gain an unfair competitive advantage, or otherwise try to put themselves in an advantageous position. Disclosure of such information can also adversely affect PayPal in future negotiations with potential business partners.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 15th day of May, 2021, at Baltimore County, Maryland.


Brian Sims